



Docket No.: 09879-00064-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ghislaine Tissot et al.

Conf. No.: 1355

Application No.: 10/538,130

Group Art Unit: 1638

Filed: June 6, 2005

Examiner: Not Yet Assigned

For: FERTILE TRANSPLASTOMIC
LEGUMINOUS PLANTS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371**

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notification of Missing Requirements Under U.S.C. § 371 dated April 25, 2006 (enclosed herewith), Applicant respectfully submits a Combined Declaration and Power of Attorney.

The aforementioned Notice appears to indicate that a copy of the Sequence Listing in computer readable form has not been submitted by applicant. This is incorrect. Applicants submitted a computer disk with the sequence listing in computer readable form on June 6, 2005 with the filing papers for the original application (see filing papers). A copy of the envelope cover containing the computer disk is attached hereto as is a copy of the return postcard indicating that the United States Patent and Trademark Office received the disk on June 6, 2005. Applicants request that the United States Patent and Trademark Office recheck the file for the present application to determine whether the computer disk is in the file. If the United States Patent and Trademark Office is unable to find the aforementioned disk, applicants will prepare a replacement disk. In any event, the surcharge for the late filing of the Sequence Listing in CRF is not applicable here as applicants filed the Sequence Listing in CRF with the original application filing papers.

Please charge our Deposit Account No. 03-2775 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.492(h) for late filing of the Oath or Declaration of the inventors. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 09879-00064-US. A duplicate copy of this paper is enclosed.

Dated: June 23, 2006

Respectfully submitted,

By 

William E. McShane

Registration No.: 32,707

CONNOLLY BOVE LODGE & HUTZ LLP

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Attorney for Applicant

07/05/2006 ATRAM1 00000135 032775 10538130

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,130	Ghislaine Tissot	09879-00064-US

INTERNATIONAL APPLICATION NO.	
PCT/EP03/15007	
I.A. FILING DATE	PRIORITY DATE
12/08/2003	12/06/2002

23416
 CONNOLLY BOVE LODGE & HUTZ, LLP
 P O BOX 2207
 WILMINGTON, DE 19899

CONFIRMATION NO. 1355

371 FORMALITIES LETTER



OC000000018603905

Date Mailed: 04/25/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/06/2005
- Copy of the International Search Report filed on 06/06/2005
- Copy of IPE Report filed on 06/06/2005
- Preliminary Amendments filed on 06/06/2005
- Biochemical Sequence Listing filed on 06/06/2005
- U.S. Basic National Fees filed on 06/06/2005
- Priority Documents filed on 06/06/2005
- Specification filed on 06/06/2005
- Claims filed on 06/06/2005
- Abstracts filed on 06/06/2005
- Paper nucleotide sequence listings filed on 06/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,130	PCT/EP03/15007	09879-00064-US



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/538,130; Conf. No. 1355
		Filing Date	June 6, 2005
		First Named Inventor	Ghislaine Tissot
		Examiner Name	Not Yet Assigned
		Art Unit	1638
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	09879-00064-US
TOTAL AMOUNT OF PAYMENT		(\$)	130.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
_____	_____	_____	_____	<u>Fee (\$)</u> <u>Fee Paid (\$)</u>
_____	_____	_____	_____	_____
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	
_____	_____	_____	_____	
_____	_____	_____	_____	

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1617 Surcharge-Late oath or declaration 130.00

SUBMITTED BY			
Signature	<u>William E. McShane</u>	Registration No. (Attorney/Agent)	32,707
Name (Print/Type)	William E. McShane	Telephone	(302) 658-9141
		Date	June 23, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 6/23/06 Signature: Barbara J. Miller (Barbara J. Miller)



Due Date: June 6, 2005

Atty Docket No.: 09879-00064-US

Client Ref. No. : BCS 02-4009 US

Inventor: Ghislaine Tissot et al.

Application No.: 10/538130

Filing Date:

Title: FERTILE TRANSPLASTOMIC LEGUMINOUS PLANTS

Documents Filed:

Transmittal Letter to the United States Designated
Elected Office

Application Data Sheet

Copy of as-filed application

Copy of the International application in English with
search report attached

Sequence Listing (paper)

Computer disk with sequence listing (CRF)

Preliminary Amendment

PCT Request

Forms PCT/IB/308 and 304

PCT/IPEA/416 and 409

Certificate of Express Mail

Charge \$900.00 to deposit account 03-2775

Fee Transmittal

Via: Express Mail: Airbill No. EV622756464US

Handling Atty: WEM/bmiller

Date: June 6, 2005

Client Contact:

399479

JC02 Rec'd PCT/PTC 06 JUN 2005

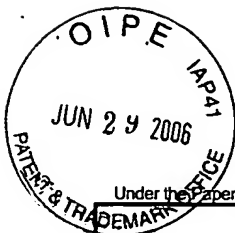
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Sequence Listing in
Computer Readable Format

Title: Fertile Transplastomic Leguminous Plants
Inventor: Tissot, et al.
Filed: June 6, 2005

Attorney Docket No.: 09879-00064-US
BCS ~~00~~-4009
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PTO/SB/92 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Application No. (if known): 10/538,130

Attorney Docket No.: 09879-00064-US

Certificate of Mailing under 37 CFR 1.8

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Alexandria, VA 22313-1450

on June 23, 2006
Date


Signature

Barbara J. Miller

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notification of Missing Requirements (2 pages)
Attachments to Response (2 pages)
Combined Declaration and Power of Attorney (7 pages)
Copy of Notification of Missing Requirements
Fee Transmittal (1 page)
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